

EXHIBIT D

1
2 UNITED STATES DISTRICT COURT
3 SOUTHERN DISTRICT OF NEW YORK
4 -----x

5 E. JEAN CARROLL,
6 Plaintiff,

7 -vs- 20 CIV. 7311
8 DONALD J. TRUMP, (LAK) (JLC)
9 in his personal capacity,

10 Defendant.

11 -----x

12
13 DEPOSITION OF ROBERT FISHER
14 December 14, 2022
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19 Reported by:
20 MARY F. BOWMAN, RPR, CRR
21 JOB NO. 220615
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6 December 14, 2022

7 10:11 a.m.

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10 Deposition of ROBERT FISHER, held
11 at offices of Kaplan, Hecker & Fink, LLP,
12 350 Fifth Avenue, New York, New York,
13 before Mary F. Bowman, a Registered
14 Professional Reporter, Certified Realtime
15 Reporter, and Notary Public of the States
16 of New Jersey and New York.

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1 R. Fisher

2 its counsel and service to clients during
3 the past three decades."

4 A. Yes.

5 Q. Do you recall what any of those
6 awards or honors were?

7 A. Yes, I do. Several. Many.

8 They were from the Public
9 Advisors Society of America. They were
10 from the Public Communicators of Los
11 Angeles organization. And -- in other
12 words, in my profession, like in many, they
13 have awards programs, and you submit -- you
14 can submit a project or a program or submit
15 something that you've done to a
16 competition, national or local, regional,
17 whatever, and they pick winners and they
18 give -- they have a banquet and they pass
19 out awards.

20 And I won many awards. Most of
21 them were in the period of the '90s. And I
22 stopped submitting forms, but I won a lot
23 of first place awards of excellence or
24 whatever, many, many, many. And I finally
25 got tired of submitting -- I didn't feel

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2 the need to get any more awards, so
3 probably around 2000, I stopped submitting
4 them.

5 Q. Is there an award -- is there an
6 award that you are most proud of or think
7 represents your greatest success?

8 A. Well, I mean, a lot of these
9 rewards were for reputation damage, what
10 you'd call crisis communications. And
11 people that had damaged reputations, I did
12 programs that won awards.

13 I think the one that I'm note
14 proud of is for the brothel industry in
15 Nevada. There would be no brothel industry
16 in Nevada if it weren't for me. There
17 wouldn't be one right there if it weren't
18 for me.

19 Back in 1988, when Rock Hudson
20 AIDS problem came to fore and everybody --
21 there was a panic about AIDS -- the
22 brothels were legalized in 1971 in Nevada.
23 And 1988 when they -- Rock Hudson thing
24 hit, the legislature decided to eliminate
25 brothels because they said anyone that goes

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2 in the brothel and has sex goes home to
3 their wife or girlfriend and passes it on.

4 So the theory was the brothel was
5 rampant with AIDS and sexually-transmitted
6 diseases, which wasn't true. You were
7 safer having sex with a woman in the
8 brothel than you were with a woman who you
9 met in church, and that has been
10 documented.

11 So anyway, the brothel industry
12 contacted me, long story short, said there
13 was already a bill in front of the state
14 legislature, they are going to outlaw us
15 unless we do something.

16 And I turned around the
17 perception in a matter of two or three
18 months to the point where the legislature
19 dropped the bill and they are still --
20 there is still brothels in Nevada.

21 So I won several awards for that,
22 for a crisis reputation management program.

23 I had another one for a program
24 where some in Marina Del Verde, an upscale
25 condo complex all the owners were going to

1 R. Fisher

2 get kicked out and I changed -- I managed
3 to short-circuit the eviction of all those
4 people through a litigation and through a
5 program to show how these people were in
6 bad straits and being harmed.

7 In other words, I've won a lot of
8 awards for reputation damage and bad
9 representation programs.

10 Q. With respect to your work on
11 behalf of the brothel industry, you
12 testified that you turned around -- let me
13 rephrase that.

14 You testified that you turned
15 around the perception in a matter of two to
16 three months. What specifically did you do
17 in that time period?

18 A. That was a classic case. That's
19 going to be taught in schools for years to
20 come.

21 The bottom line is it's public
22 perception. Reputation is about
23 perception. Reputation is perception.
24 Reputation means how somebody perceives
25 something, how they view it, that sort of

1 R. Fisher

2 outlaw a brothel because they are rampant
3 with sexually transmitted disease, what are
4 they going to do, say, it's not true, it's
5 not true, it's not true?

6 No one -- there is nothing they
7 could have done that would make people
8 believe it. So you had to -- you had to
9 find somebody that would say what they were
10 saying that had no ties to them and yet had
11 total credibility.

12 Q. Okay. If we turn back to the
13 front page of your CV.

14 You see that you have listed
15 areas of expertise?

16 A. Yes.

17 Q. Public relations, marketing,
18 advertising, journalism, reputation, damage
19 to reputation and it goes on.

20 Are all of those areas relevant
21 to your testimony here today?

22 A. Well, the only thing that is
23 relevant to my testimony is public
24 relations. There is no other profession --
25 anything that deals with defamation.

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2 Defamation is about reputation for the most
3 part. False statements, we know that.

4 But it's about impacting
5 someone's reputation. The only profession
6 has anything to do with reputation for the
7 most part is public relations, not
8 advertising, not marketing, no journalism.

9 So I would say that list in this
10 case today, I would say public relations is
11 one. Defamation another. Damage to image
12 or reputation is another. So some extent
13 crisis communications, management might be.
14 Public perception and opinion. That would
15 be. Probably. That would be it.

16 Q. If we turn now a few pages to
17 page 4 of your CV.

18 I guess let me pause. If you
19 look at the bottom of page 3, you see there
20 is a header that says, "Expert Witness
21 Experience"? Bottom of page 3 and
22 continues to page 4?

23 A. Yes, yes.

24 Q. Then if you just sort of leaf
25 through the next sort of four or five

1 UNITED STATES DISTRICT COURT

2 SOUTHERN DISTRICT OF NEW YORK

3 _____)
4 E. JEAN CARROLL,) CASE NO.:
5 Plaintiff,)
6 v.) 20-Civ-7311
7 DONALD J. TRUMP, in his personal)
capacity,) (LAK)(JLC)
8 Defendant.)
9 _____)

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14 DEPOSITION OF ROBERT FISHER

15 VOLUME II

16 REMOTELY IN LOS ANGELES, CALIFORNIA

17 TUESDAY, DECEMBER 20, 2022

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24 REPORTED BY: NATALIE PARVIZI-AZAD, CSR, RPR, RSR
CSR NO. 14125
25 JOB NO.: 220862

1 UNITED STATES DISTRICT COURT

2 SOUTHERN DISTRICT OF NEW YORK

3 _____)
4 E. JEAN CARROLL,) CASE NO.:
5 Plaintiff,)
6 v.) 20-Civ-7311
7 DONALD J. TRUMP, in his personal)
capacity,) (LAK)(JLC)
8 Defendant.)
9 _____)

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14 DEPOSITION OF ROBERT FISHER, VOLUME II
15 TAKEN ON BEHALF OF THE PLAINTIFF IN
16 LOS ANGELES, CALIFORNIA, BEGINNING AT
17 12:35 P.M. AND ENDING AT 3:37 P.M., ON
18 TUESDAY, DECEMBER 20, 2022, BEFORE
19 NATALIE PARVIZI-AZAD, CERTIFIED SHORTHAND
20 REPORTER NUMBER 14125.

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1 A P P E A R A N C E S

2

3 FOR THE PLAINTIFF, E. JEAN CARROLL:

4 KAPLAN HECKER & FINK LLP
5 BY: MATTHEW CRAIG, ESQ.
HELEN ANDREWS, ESQ.
SHAWN CROWLEY, ESQ.
6 350 FIFTH AVENUE
NEW YORK, NEW YORK 10118

7

8 FOR THE DEFENDANT, DONALD J. TRUMP, IN HIS
PERSONAL CAPACITY:

9 HABBA MADAIO & ASSOCIATES LLP
10 BY: PETER SWIFT, ESQ.
1430 U.S. HIGHWAY 206
BEDMINSTER, NEW JERSEY 07921

12

13 ALSO PRESENT:

14 TRAVIS SIMMONS, VIDEOGRAPHER

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1 best news media that have the most credibility, the
2 reach, and whatever to go after, regardless of
3 whether they ever carried the original information.

4 Q. And -- and what data do you rely upon to
5 determine what the best media is for your target
6 audience in terms of credibility and the other
7 things you mentioned?

8 A. Knowledge. I've been in this business
9 50 years. A reporter for "The "New York Times", I
10 was in journalism -- I know the media, I know which
11 media -- who the media are, I know what they do, I
12 know who they reach out to, I know who reads them or
13 listens to them, I know what -- for instance, if I
14 had something from Mr. Trump back in the day, I
15 wouldn't go to MSNBC for it, I would go to FOX, you
16 know, or now Newsmax or America One [sic] or
17 whatever.

18 But the bottom line is I -- I have
19 knowledge; that's why I'm an expert. I have
20 50 years of knowledge of working with the media.
21 Most of them were around 50 years ago. "New York
22 Times" was around 50 years ago, so was the
23 Washington Post, so was ABC, so was AP, so was Wall
24 Street Journal. I don't need to consult textbooks
25 or media guides -- again, we're just talking about

1 news media at this point. I don't need to consult
2 them to know who -- who the movers and shakers are
3 or where I need to be.

4 Q. And so, it -- you do not look at polling
5 or any other data sets to identify the media
6 consumption habits in this day and age of your
7 target audience?

8 A. No.

9 Q. Okay.

10 A. And it's somewhat premature anyway, but I
11 mean, that's when you get into the nitty gritty of
12 filling in my blueprint, whoever does it, that's --
13 that's at the time, that's what they will do. My
14 task as an expert is I design a plan that has -- as
15 I said, tried and true activities that have proven
16 to be effective and valuable over a period of time.
17 My job isn't, in that, to get into the weeds of each
18 particular recommendation and break it down to the
19 Nth degree as to -- it would be premature to do it
20 because conditions can change from the time --
21 sometimes I do these reports and -- and the case
22 isn't over for three years. I've had cases where
23 I've done the reports three years later. Three
24 years is a big difference, why would I charge my
25 client --